IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTIETH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

_

WRIT PETITION NO : 23043 of 2004

Between:

J.Mallikarjuna Reddy S/o.late J.Aila Reddy
Plot.No.40, KR Nagar, Bowenpally,
Secunderabad-11.

..... PETITIONER

AND

1 The Commissioner of Police,
Basheerbagh, Hyderabad.
2 The Station House Officer, P.S.Bowenpally,
Secunderabad.
3 P.Balraj S/o.not known
Net City, opp:SRO Bowenpally,
Secunderabad-11.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or Direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondent -2 in interfering with the life and liberty of the petitioner without the due process of law is illegal and unjust and violative of Art-21 of the Constitution of India and consequently direct the respondent -2 not to interfere with the life and liberty of the petitioner.

Counsel for the Petitioner:MR.C.M.R.VELU

Counsel for the Respondents 1 & 2: GP FOR HOME

The Court at the stage of admission made the following ORDER:

Petitioner alleges that the second respondent, at the instance of the third respondent, is indiscriminately calling him to the police station and harassing him. Reference is made to certain transactions between the petitioner and the third respondent and the instances of alleged interference by the second respondent. He ultimately seeks appropriate directions in this regard.

On instructions, learned Government Pleader for Home submits that the second respondent has not interfered with the rights of the petitioner and, in fact, had required the petitioner and the third respondent to resolve their dispute in civil Court.

Heard learned counsel for the petitioner and learned Government Pleader for Home.

The petitioner alleges that the second respondent is indiscriminately calling him to the police station and insisting on payment of Rs.1,00,000/- to the third respondent. If the same is true, it amounts to interference by the police in civil matters. A police authority can proceed against a citizen only when a definite complaint, alleging acts punishable under law, is made and when a specific case is registered. There cannot be any justification for the police officials to require a citizen to attend the police station in the absence of the complaint or registered case. Further, the police cannot interfere in civil disputes.

Inasmuch as it is stated on behalf of the second respondent that he is not interfering with such matters, this Court does not intend to go into the details of allegations.

Hence, the writ petition is disposed of directing that the second respondent shall not interfere with or harass the petitioner in the absence of any case registered against him. There shall be no order as to costs.

20.12.2004

Note:

Issue CC in three days.

(BO)

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To

1 The Commissioner of Police,
Basheerbagh, Hyderabad.
2 The Station House Officer, P.S.Bowenpally,
Secunderabad.
3 Two CCs to the Government Pleader for Home, A.P.High Court Buildings, Hyderabad (OUT)

4 Two CD copies.